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GOVERNMENT OF INDIA  
LEGISLATIVE DEPARTMENT

*New Delhi, the 13th August, 1947*

ORDINANCE No. XII OF 1947

AN

ORDINANCE

*to confer certain powers in respect of premises in the Province of Delhi*

**W**HEREAS by reason of the shortage of accommodation in the Province of Delhi an emergency has arisen which makes it necessary to confer powers to requisition premises and to evict from Government premises persons continuing without authority to occupy those premises;

AND WHEREAS the Indian Legislature is not in session;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5 c. 2), the Governor General is pleased to make and promulgate the following Ordinance—

**1. Short title, extent and commencement.**—(1) This Ordinance may be called the Delhi Premises (Requisition and Eviction) Ordinance, 1947.

(2) It extends to the whole of the Province of Delhi.

(3) It shall come into force at once.

**2. Interpretation.**—In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) "Estate Officer" means the Estate Officer to the Government of India;

(b) "landlord" and "premises" have the meanings respectively assigned to them in the Delhi and Ajmer-Merwara Rent Control Act, 1947 (XIX of 1947);

(c) "public purpose" means any purpose connected with the shortage of accommodation in the Province of Delhi;

(d) "tenant" means any person by whom or on whose account rent is payable for any premises and includes every person for the time being deriving title under a tenant and also every person remaining in possession of the premises leased to him after the termination of the lease.

**3. Power to requisition.**—(1) If in the opinion of the Estate Officer it is necessary to requisition any premises for any public purpose, he may make an order in writing to that effect:

Provided that no premises exclusively used for the purpose of religious worship shall be requisitioned under this section.

(2) An order under sub-section (1) shall be served on the landlord, and where the order relates to premises in occupation of a tenant also on such tenant, by delivering or tendering to such landlord or tenant a copy of the order, but where a landlord or tenant is not readily traceable and the order cannot be served without undue delay or where the ownership of the premises is in dispute, the order shall be served by publishing it in the official Gazette, and if practicable by fixing a copy thereof to any conspicuous part of the premises to which it relates.

(3) Where the Estate Officer has requisitioned any premises under sub-section (1), he may use or deal with the premises in such manner as may appear to him to be expedient.

(4) The Estate Officer with a view to requisitioning any premises under sub-section (1), may by order—

(a) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the premises as may be so specified;

(b) direct that the landlord, occupier or person in possession of the premises shall not without the permission of the Estate Officer dispose of, or structurally alter the premises.

(5) Without prejudice to any other powers conferred by this Ordinance, any person authorised in this behalf by the Estate Officer may enter and inspect any premises for the purpose of determining whether, and if so in what manner, an order under this section should be made in relation to such premises, or with a view to securing compliance with any order made under this Ordinance.

**4. Compensation.**—(1) Where any premises are requisitioned under this Ordinance, there shall be paid compensation the amount of which shall be determined in the manner, and in accordance with the principles hereinafter set out, namely:—

(a) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement;

(b) where no such agreement can be reached, the Central Government shall appoint as arbitrator a person qualified for appointment as a Judge of a High Court;

(c) the Central Government may in any particular case nominate a person having expert knowledge as to the nature of the premises requisitioned, to assist the arbitrator, and where such nomination is made, the person to be compensated may also nominate an assessor for the said purpose;

(d) at the commencement of the proceedings before the arbitrator, the Central Government and the person to be compensated shall state what in their respective opinions is a fair amount of compensation;

(e) the arbitrator in making his award shall have regard to the provisions of sub-section (1) of section 23 of the Land Acquisition Act 1894 (I of 1894) so far as they can be made applicable;

(f) an appeal shall lie to the District Judge against an award of an arbitrator;

- (g) save as provided in this section and in any rules made thereunder, nothing in any law for the time being in force shall apply to arbitrations under this section.

(2) The Central Government may make rules for the purpose of carrying into effect the provisions of this section, and in particular and without prejudice to the generality of the foregoing power such rules may provide for—

- (a) the procedure to be followed in arbitrations and appeals under this section,  
(b) the principles to be followed in apportioning the costs of proceedings before the arbitrator and on appeal.

**5. Release from requisition.**—(1) Where any premises requisitioned under this Ordinance are to be released from such requisition the Estate Officer may, after such inquiry as he may in any case consider it necessary to make, specify by order in writing the person to whom possession of the premises shall be given.

(2) The delivery of possession of the premises to the person specified in an order under sub-section (1) shall be a full discharge of the Central Government from all liabilities in respect of the premises, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession is given.

**6. Power to order vacation of premises or execution of repairs.**—Where the Estate Officer requisitions any premises under this Ordinance, he may by notice in writing—

- (a) order the existing tenant or occupier, if any, to vacate the premises within ten days of the receipt of the notice,  
(b) order the landlord to execute such repairs as may be specified in the notice within such time as may be so specified.

**7. Easements, etc. not to be disturbed.**—No landlord or any contractor, workman or servant employed by him shall without the previous written consent of the Estate Officer or except for the purposes of effecting repairs or complying with a municipal requisition wilfully disturb any convenience or easement attached to any premises requisitioned under this Ordinance, or remove, destroy or render unserviceable anything provided for permanent use therewith or discontinue or cause to be discontinued any supply or service provided for the premises.

**8. Power to evict from Government premises for breach of terms of tenancy.**—(1) Where the person in occupation of any premises belonging to, or taken on lease or requisitioned by the Central Government, sublets without due authority the whole or any part of the premises or otherwise acts in contravention of any of the terms, express or implied, of his tenancy or other like relationship created by a grant from the Central Government in respect of the premises, the Estate Officer may by notice served by post or otherwise, order such person or any other person found in occupation of the premises to vacate the premises within ten days of the receipt of the notice.

(2) Any person aggrieved by an order under sub-section (1) may within seven days of the receipt thereof appeal in writing to the Chief Commissioner, who may after calling for a report from the Estate Officer and after making such further inquiry, if any, as he thinks fit pass an order determining the appeal.

(3) Action may be taken under this section whether or not any proceedings for possession are pending in respect of the premises, and upon such action being taken the said proceedings shall forthwith be vacated.

**9. Non-compliance with orders.**—(1) If any person fails to comply with an order made under clause (a) of section 6 or under section 8, any Court which would have jurisdiction to hear and decide a suit for eviction of a tenant from the premises in respect of which the order relates shall, on the application of the Estate Officer or any person authorised by him in writing in this behalf, execute the order as if it were a decree of that Court.

(2) If a landlord fails to execute any repairs in pursuance of an order under clause (b) of section 6, the Estate Officer may cause the repairs specified in the order to be executed at the expense of the landlord and the cost thereof may, without prejudice to any other mode of recovery, be deducted from the compensation payable to the landlord.

**10. Penalty and procedure.**—(1) Whoever contravenes any provision of this Ordinance or of any order made thereunder shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

(2) No Court shall take cognizance of any offence punishable under subsection (1) except on the complaint in writing of the Estate Officer.

**11. Saving as to orders.**—(1) No order made in exercise of any power conferred by or under this Ordinance shall be called in question in any Court.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Ordinance, a Court shall presume, within the meaning of the Indian Evidence Act, 1872 (I of 1872), that such order was so made by that authority.

**12. Protection of action taken under this Ordinance.**—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Ordinance or any order made thereunder.

(2) Save as is otherwise expressly provided in this Ordinance, no suit or other legal proceeding shall lie against the Central Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Ordinance or any order made thereunder.

**13. Application of other laws not barred.**—The provisions of this Ordinance shall be in addition to and not in derogation of the provisions of the Delhi and Ajmer-Merwara Rent Control Act, 1947 (XIX of 1947) or any other law for the time being in force.

**14. Effect of expiry of this Ordinance.**—On the expiry of this Ordinance the provisions of section 6 of the General Clauses Act, 1897 (X of 1897) shall apply as if it were an enactment then repealed by a Central Act.

MOUNTBATTEN OF BURMA,

*Viceroy and Governor-General*

## ORDINANCE No. XIII OF 1947

AN

## ORDINANCE

*to constitute a Central Nursing Council*

**WHEREAS** an emergency has arisen which makes it necessary to constitute a Central Nursing Council in order to establish a uniform standard of training for nurses, midwives and health visitors;

**AND WHEREAS** the Indian Legislature is not in session,

Now, THEREFORE in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo 5 c 2), the Governor General is pleased to make and promulgate the following Ordinance —

**1. Short title, extent and commencement.**— (1) This Ordinance may be called the Central Nursing Council Ordinance, 1947

(2) It extends to the whole of British India

(3) It shall come into force at once

**2. Interpretation.**— In this Ordinance unless the context anything repugnant in the subject or context —

(a) the Council means the Central Nursing Council constituted under this Ordinance,

(b) prescribed means prescribed by regulations made under section 10,

(c) Provincial Council means a Council (by whatever name called) constituted under the law of a Province to regulate the registration of nurses midwives or health visitors in the Province

(d) Provincial register means a register of nurses assistant nurses midwives assistant midwives or health visitors maintained under the law of a Province

**3 Constitution and composition of the Council.**— (1) The Central Government shall as soon as may be constitute a Council consisting of the following members namely

(a) two nurses enrolled in a Provincial register who shall be members of the staff of an institution in which nurses are trained elected by each Provincial Council

(b) one member elected from among themselves by the heads of institutions in which training is given in nursing administration to nurses enrolled in a Provincial register

(c) one member elected from among themselves by the heads of institutions in which health visitors are trained,

(d) one member elected by the Medical Council of India

(e) one midwife enrolled in a Provincial register elected by each Provincial Council,

(f) the chief administrative medical officer of each Governor's Province or if the Provincial Government in any case so directs the Superintendent of Nursing (by whatever name called) in the office of the chief administrative medical officer of the Province *ex officio*

(g) the Provincial Director of Public Health *ex officio*

(h) four members nominated by the Central Government of whom at least two shall be nurses midwives or health visitors enrolled in a Provincial register and one shall be an experienced educationalist

(i) three officials appointed by the Central Government, one of whom the Central Government shall appoint as President of the Council

(2) No act done by the Council shall be questioned on the ground merely of the existence or any vacancy in, or any defect in the constitution of, the Council

**4 Incorporation of the Council.** The Council constituted under section 3 shall be a body corporate by the name of the Central Nursing Council having perpetual succession and a common seal with power to acquire property both movable and immovable, and shall by the said name sue and be sued

**5. Mode of elections.**—(1) Elections under sub-section (1) of section 3 by Provincial Councils shall be conducted in accordance with rules made in this behalf by the respective Provincial Governments, and where any dispute arises regarding any such election it shall be referred to the Provincial Government concerned whose decision shall be final.

(2) Other elections under that sub-section shall be conducted in the prescribed manner, and where any dispute arises regarding any such election it shall be referred to the Central Government whose decision shall be final.

**6. Meetings.**—(1) The Council shall hold its first meeting at such time and place as may be appointed by the President, and thereafter the Council shall meet at such time and place as may be appointed by the Council.

(2) Until otherwise prescribed, ten members of the Council shall form a quorum, and all the acts of the Council shall be decided by a majority of the members present and voting.

**7. Officers, committees and servants of the Council.**—(1) The Secretary of the Council (who may also, if it is deemed expedient by the Council, act as Treasurer) shall be a person appointed by the Central Government and shall hold office during the pleasure of the Central Government.

(2) The Council shall—

(a) elect from among its members a Vice-President ;

(b) constitute from among its members an Executive Committee and such other committees for general or special purposes as the Council deems necessary to carry out the purposes of this Ordinance ;

(c) appoint or nominate such officers and servants as the Council deems necessary to carry out the purposes of this Ordinance ;

(d) require and take from the Secretary, or from any other officer or servant, such security for the due performance of his duties as the Council deems necessary ;

(e) with the previous sanction of the Central Government, fix the fees and allowances to be paid to the President, Vice-President and members and the pay and allowances of officers and servants of the Council.

**8 The Executive Committee.** (1) The Executive Committee shall consist of nine members of whom seven shall be elected by the Council from among its members.

(2) The President and Vice-President of the Council shall be members *ex officio* of the Executive Committee and shall be President and Vice-President, respectively, of that Committee.

(3) In addition to the powers and duties conferred and imposed upon it by this Ordinance, the Executive Committee shall exercise and discharge such powers and duties as the Council may confer or impose upon it by any regulations which may be made in this behalf.

**9 Recognition of qualifications.**—(1) For the purposes of this Ordinance, the qualifications included in the Schedule shall be recognised qualifications, and the qualifications included in Part II of the Schedule shall be recognised higher qualifications.

(2) Any authority in British India which, being recognised by the Provincial Government for the purpose of granting any qualification, grants a qualification in general nursing, midwifery, health visiting or public health nursing, not included in the Schedule may apply to the Council to have such qualification recognised, and the Council may declare that such qualification, or such qualification only when granted after a specified date shall be a recognised qualification for the purposes of this Ordinance.

(3) The Council may enter into negotiations with any authority in any State or country outside British India which by the law of such State or country is entrusted with the maintenance of a register of nurses, midwives or health visitors, for the settling of a scheme of reciprocity for the recognition of qualifications, and in pursuance of any such scheme the Council may declare that a qualification granted by any authority in any State or country outside British India, or such qualification only when granted after a specified date, shall be a recognised qualification for the purposes of this Ordinance.

Provided that no declaration shall be made under this sub-section in respect of any qualification unless by the law and practice of the State or country in which the qualification is granted persons of British Indian origin holding qualifications recognised under this Ordinance are permitted to enter and practise the nursing profession in that State or country.

Provided further that—

(i) any reciprocal arrangements subsisting at the date of the commencement of this Ordinance between a Provincial Council and any authority outside India for the recognition of qualifications shall, subject to any earlier termination of the arrangements in accordance with the terms thereof, continue in force, and

(ii) any qualification granted by an authority in any Indian State and recognised on the said date by a Provincial Council shall continue to be a recognised qualification for the purpose of registration in the Province.

(4) The provisions of sub-sections (2) and (3) and of sections 13 and 14 shall apply *mutatis mutandis* to the declaration by the Council of a qualification granted in respect of post-certificate nursing training as a recognised higher qualification.

**10. Effect of recognition.**—Notwithstanding anything contained in any other law,

(a) any recognised qualification shall be a sufficient qualification for enrolment in any Provincial register;

(b) no person shall, after the date of the commencement of this Ordinance, be entitled to be enrolled in any Provincial register as a nurse, midwife, health visitor, or public health nurse or as an assistant nurse or assistant midwife, unless he or she holds a recognised qualification.

Provided that any person already enrolled in any Provincial register before the said date may continue to be so enrolled notwithstanding that he or she may not hold a recognised qualification.

Provided further that any person who was immediately before the said date entitled to be enrolled in any Provincial register but was not so enrolled shall, on application made in this behalf while this Ordinance remains in force be entitled to be enrolled in that register;

(c) any person holding a recognised higher qualification shall be entitled to have the qualification entered as a supplementary qualification in any Provincial register in which he or she is enrolled, and after the said date no person shall be entitled to have entered as a supplementary qualification in any Provincial register any qualification which is not a recognised higher qualification.

**11. Power to require information as to courses of study and training and examinations.**—Every authority in British India which grants a recognised qualification or a recognised higher qualification shall furnish such information as the Council may, from time to time, require as to the courses of study and training and examinations to be undergone in order to obtain such qualification, as to the ages at which such courses of study and examinations are required to be undergone and such qualifications conferred, and generally as to the requisites for obtaining such qualification.

**12. Inspections.**—(1) The Executive Committee may appoint such number of inspectors as it deems necessary to inspect any institution recognised as a training institution, and to attend examinations held to the purpose of granting any recognised qualification or recognised higher qualification.

(2) Inspectors appointed under this section shall report to the Executive Committee on the suitability of the institution for the purposes of training and on the adequacy of the training therein, or as the case may be, on the sufficiency of the examinations.

(3) The Executive Committee shall forward a copy of such report to the authority or institution concerned, and shall also forward copies, with the remarks, if any, of the authority or institution concerned thereon, to the Central Government and to the Provincial Government and Provincial Council of the Province in which the authority or institution is situated.

**13. Withdrawal of recognition.**—(1) When, upon report by the Executive Committee, it appears to the Council

(a) that the courses of study and training and the examinations to be gone through in order to obtain a recognised qualification from any authority in British India, or the conditions for admission to such courses or the standards of proficiency required from the candidates at such examinations are not in conformity with the regulations made under this Ordinance or fall short of the standards required thereby, or

(b) that an institution recognised by a Provincial Council for the training of nurses, midwives or health visitors does not satisfy the requirements of the Council,—

the Council may send to the Government of the Province in which the authority or institution, as the case may be, is situated a statement to such effect, and the Provincial Government shall forward it, along with such remarks as it may think fit to the authority or institution concerned and, in a case referred to in clause (b) to the Provincial Council also, with an intimation of the period within which the authority or institution may submit its explanation to the Provincial Government.

(2) On the receipt of the explanation or, where no explanation is submitted within the period fixed, then on the expiry of the period, the Provincial Government shall make its recommendations to the Council.

(3) The Council, after such further inquiry, if any, as it may think fit to make, and in a case referred to in clause (b) of sub-section (1), after considering any remarks which the Provincial Council may have addressed to it, may declare,—

(a) in a case referred to in clause (a) of that sub-section, that the qualifications granted by the authority concerned shall be recognised qualifications only when granted before a specified date, or

(b) in a case referred to in the said clause (b), that with effect from a date specified in the declaration any person holding a recognised qualification whose period of training and study preparatory to the grant to him of the qualification was passed at the institution concerned shall be entitled to be registered only in the Province in which the institution is situated.

(4) The Council may declare that any recognised qualification granted outside British India shall be a recognised qualification only if granted before a specified date.

**14. Mode of declarations.**—All declarations under section 9 or section 13 shall be made by resolution passed at a meeting of the Council called for the purpose, and shall forthwith be published in the official Gazette.



**15. Power to make regulations**—(1) The Council may make regulations not inconsistent with this Ordinance generally to carry out the provisions of this Ordinance, and in particular and without prejudice to the generality of the foregoing power, such regulations may provide for—

(a) the management of the property of the Council and the maintenance and audit of its accounts ;

(b) the manner in which elections referred to in sub-section (2) of section 5 and in clause (i) of sub-section (1) of section 7 shall be conducted ;

(c) the summoning and holding of the meetings of the Council, the times and places at which such meetings shall be held, the conduct of business thereat and the number of members necessary to constitute a quorum ;

(d) prescribing the functions of the Executive Committee, the summoning and holding of meetings thereof, the times and places at which such meetings shall be held, and the number of members necessary to constitute a quorum ;

(e) prescribing the powers and duties of the President and the Vice-President ;

(f) prescribing the tenure of office and the powers and duties of the Secretary, inspectors, visitors and other officers and servants of the Council ;

(g) prescribing the standard curricula for the training of nurses, midwives and health visitors, for training courses for teachers of nurses, midwives and health visitors, for training in nursing administration and for the training of assistant nurses and assistant midwives ;

(h) prescribing the conditions for admission to courses of training as aforesaid ;

(i) prescribing the standards of examination and other requirements to be satisfied to secure for qualifications recognition under this Ordinance ;

(j) any other matter which is to be or may be prescribed under this Ordinance.

(2) To enable the Council to be first constituted, the President may, with the previous sanction of the Central Government, make regulations for the conduct of the elections referred to in sub-section (2) of section 5, and any regulations so made may be altered or rescinded by the Council in exercise of its powers under this section.

## THE SCHEDULE

(See sections 9 and 10.)

### PART I

#### *Recognised qualifications*

#### *A—General Nursing—*

Certificates (including senior and junior certificates) and Diplomas in Nursing issued by any of the following authorities, namely :—

1. The Examination Board appointed by the Government of Madras.
2. The Bombay Nurses, Midwives and Health Visitors Council.
3. The Bombay Presidency Nursing Association (when issued before the 1st day of January, 1936).
4. The Bengal Nursing Council.
5. The United Provinces State Medical Faculty.
6. The United Provinces Nurses and Midwives Council.
7. The State Board of Medical Examinations, United Provinces.
8. The Punjab Nurses Registration Council.

9. The Bihar Medical Examination Board.
10. The Bihar Nurses Registration Council.
11. The Central Provinces Medical Examination Board.
12. The Assam Nurses, Midwives and Health Visitors Council.
13. The Orissa Medical Examination Board.
14. The Sind Nurses and Midwives Council.
15. The Mid-India United Board of Examiners for Nurses.
16. The Joint Missionary Board for Examination of Nurses (Marathi area).
17. The North India United Board of Examiners for Mission and other Hospitals.
18. The Examining Board of the Nurses Auxiliary of the Christian Medical Association of India (South India Branch).

**B—Midwifery—**

Certificates or Diplomas in Midwifery issued by any of the following authorities, namely :—

1. Any of the authorities mentioned in section A except item No. 18 thereof.
2. The Punjab Central Midwives Board.
3. The North West Frontier Province Central Midwives Board.
4. The Mid-India United Board of Examiners for Midwifery.
5. The National Association for supplying female medical aid to the Women of India.

**C—Health Visitors—**

Certificates or Diplomas issued by any of the following authorities, namely :—

1. The Government Training School for Health Visitors, Madras.
2. The Sir John Anderson Health School, Calcutta.
3. The United Provinces State Medical Faculty.
4. The United Provinces Nurses and Midwives Council.
5. The Punjab Health School.
6. The Government Health School, Nagpur.
7. The Assam Nurses, Midwives and Health Visitors Council.
8. The Lady Reading Health School, Delhi.
9. The Bombay Nurses, Midwives and Health Visitors Council.
10. The Bengal Nursing Council.

**PART II**

*Recognised higher qualifications*

Certificates or Diplomas in respect of post-certificate nursing training issued by the following authorities, namely :—

1. The Examination Board appointed by the Government of Madras.
2. The College of Nursing, Delhi.
3. The Missionary Medical College School of Nursing, Vellore.

MOUNTBATTEN OF BURMA,

*Viceroy and Governor General.*

## ORDINANCE No. XIV OF 1947

AN

## ORDINANCE

*to confer certain special powers upon officers of the armed forces in certain disturbed areas of Assam*

WHEREAS an emergency has arisen which makes it necessary to confer certain special powers upon officers of the armed forces in certain disturbed areas of Assam ;

AND WHEREAS the Indian Legislature is not in session ;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

**1. Short title, extent and commencement.**—(1) This Ordinance may be called the Assam Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947.

(2) It extends to the whole of Assam.

(3) It shall come into force at once.

**2. Special powers of officers of military or air forces.**—Any commissioned officer, warrant officer or non-commissioned officer of His Majesty's military or air forces may, in any area for the time being declared by notification under section 3 of the Assam Disturbed Areas Ordinance, 1947, to be a disturbed area,—

(a) exercise the powers conferred by section 4 of the said Ordinance upon a police officer not below the rank of Assistant Sub-Inspector ;

(b) arrest without warrant any person who has committed a cognizable offence, or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence ;

(c) enter and search, without warrant, any premises to make any such arrest as aforesaid, or to recover any person believed to be wrongfully restrained or confined, or any property reasonably suspected to be stolen property, or any arms believed to be unlawfully kept, in such premises.

**3. Protection of persons acting under this Ordinance.**—No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purporting to be done in exercise of the powers conferred by section 2.

MOUNTBATTEN OF BURMA,

*Viceroy and Governor General.*

SHAVAX A. LAL,

*Secy to the Govt. of India.*

